

REMARKS

Reconsideration of the Final Office Action of June 29, 2006 is respectfully requested and entry of the foregoing claim amendments is respectfully requested.

In the Office Action claims 22-27 and 43 were noted as being allowed. Claims 3-8, 14-16, 19, 29 to 42 and 45 were noted as containing allowable subject matter and claims 1-16 were rejected under 35 USC 112, first paragraph, and claims 1, 2, 9-13, 17, 18, 20, 21, 28, 44 and 46 to 50 were rejected in the Office Action as being considered anticipated by Bertram '905.

In response to the rejection under 35 USC 112, it is first respectfully submitted that the claim subject matter referenced in the rejections are directed at features that are more formalistic or objectionable rather than indefinite under 35 USC 112. The current claim Amendments to claims 1 and 2 address these objectionable issues by removing the objectionable language in claim 1 as being superfluous in the present context and also providing an earlier introduction in claim 2 to the interior cap component and a clarification as to the "solvent" being referenced for the claim 2 embodiment. Thus all amendments made relative to claims 1 and 2 are directed at removing any grounds for retention of an objection as to the language in those claims and, accordingly, entry of the claim amendments and withdrawal of the 35 USC 112 rejection is respectfully requested.

In the prior art rejection, each of independent claims 1, 17, 20, 21, 28 and 46 to 48 are indicated in the Office Action as being considered anticipated by Bertram '905 with reference being made to the following disclosure in support of those rejections:

The embodiment illustrated in FIG. 1 also includes one of the specific features of the '327 patent, namely the porous sintered tip 30 through which a mixture of air and solvent can be forced to help keep the opening 15 clean. Air and solvent are fed to the porous tip 30 through the opening 31 and the annular passageway 32.

A review of claim 1 of the present invention relative to the disclosed device in Bertram '905 reveals that Bertram '905 fails to anticipate (or render obvious) the claim 1 invention. Claim 1 includes the language

“said housing further comprising a solvent feed passageway which extends in a rearward to forward direction within a wall portion of said housing”

The claimed arrangement in claim 1 thus includes a solvent feed passage that extends in a rearward to forward direction within a wall portion of the housing in combination with a solvent feed space formed by the interior and outer cap components that provides for a radial feed of solvent. The inclusion of a solvent feed passageway extending in a forward to rearward direction provides for a much greater flexibility in solvent feed to various areas of the dispenser including the ability to feed from, for example, a rearward supply source which works well in combination with the solvent space formed by the interior and outer cap components. Bertram '905, in feeding its porous plug used in generating a froth of air/solvent mix, utilizes a single, radial only injection port 31 at the sintered plug location with a radial external to housing feed (not shown) at that same location. Accordingly, it is respectfully submitted that claim 1 stands in condition for allowance.

In the present Amendment independent claim 17 has been amended to include the objected to/allowable subject matter of claim 19, thus rendering claim 17 in condition for allowance. Claim 19, as well as claim 18, have been cancelled.

Independent claim 20 references a solvent supply means with that includes an axially extending solvent flow passageway that opens out into the solvent space defined by the axially spaced portions of the capped forward end such that the solvent then flows radially inward. Accordingly there is featured in claim 20 an axially extending flow passageway while, as noted above for claim 1, in Bertram the only solvent passageway provided in the

housing is port 31 which is a radially only extending port and thus fails to represent the claims solvent supply means of claim 20.

As to independent claim 21, this claim includes “means for physically contacting....to break up by mechanical contact with a moving cleaning member”. This feature is not disclosed or suggested by the air/solvent froth technique relied upon in Bertram.

As to independent claim 28, this claim includes means for physically contacting the forward capped end for cleaning purposes which, as set forth above, is a feature lacking in Bertram.

As to independent claim 46 there is featured in this claim a solvent filling port formed in the housing that has a releasable solvent chamber closure cap engaged with said port. The sole solvent feed port 31 is not a capped port and thus Bertram fails to anticipate claim 46.

Independent claim 47 includes a solvent filling port with a releasable solvent chamber closure cap as well as further including a solvent flow feed port also in said housing that is spaced from the solvent filling port and which includes means for fluid connection with a solvent supply system. Again, Bertram discloses only a single radial feed port in its housing for feeding the frothing plug and thus fails to anticipate claim 47.

Claim 48 includes the feature of a spacer that is positioned between the compression means and the mixing chamber and has an interior solvent pocket and access ports or slots opening into said solvent pocket. Bertram fails to disclose or suggest such a feature.

Accordingly, for the reasons set out above it is respectfully submitted that all claims, as well as the application in its entirety, stand in an allowable state, and favorable reconsideration at the Examiner’s earliest convenience is respectfully requested.

Responsive to the Office Action of June 29, 2006
Serial No. 10/623,858

If for any reason any fee is deemed required relative to this filing, authorization is given to charge deposit account no. 02-4300 for such fee.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP

By: /Dennis C. Rodgers/

Dennis C. Rodgers
Registration No. 32,936
1850 M Street, NW – Suite 800
Washington, DC 20036
Telephone: 202/263-4300
Facsimile: 202/263-4329

Date: September 28, 2006